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VIA ECF

July 15, 2010

Hon. Frederic Block
United States District Court, EDNY
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Zimmerman, et al. v. Poly Prep, CDS, et al. – 09-CIV-04586-FB-CLP

Dear Judge Block:

On behalf of Plaintiffs, I respectfully request that the Court schedule a pre-motion conference to discuss Plaintiffs' anticipated motion for: (1) spoliation sanctions against Defendants, pursuant to Rule 37 of the FRCP and the Court's inherent authority, or, in the alternative, leave to file a Second Amended Complaint, pursuant to Rule 15(a) of the FRCP, based on additional information gleaned in the limited discovery conducted in this action.

I have drafted a letter which outlines these issues and will send it via Express Mail only, as it contains confidential information gleaned through discovery which must be filed "Under Seal" pursuant to the Protective Order which has been issued for this action.

Due to the complexity and volume of the implicated issues, my letter is six (6) pages long. I understand that the Court generally limits pre-motion conference letters to three (3) pages. Thus, I respectfully request the Court's permission to extend its page length rule.

Kindly advise at your earliest convenience – and thank you for your consideration.

Sincerely,



KEVIN T. MULHEARN (KM2301)

KTM/mmi

CC: Hon. Cheryl L. Pollak
Jeffrey I. Kohn, Esq.